
Taking the Plunge

Race, Rights, and the Politics of Desegregation in Lawrence, Kansas, 1960

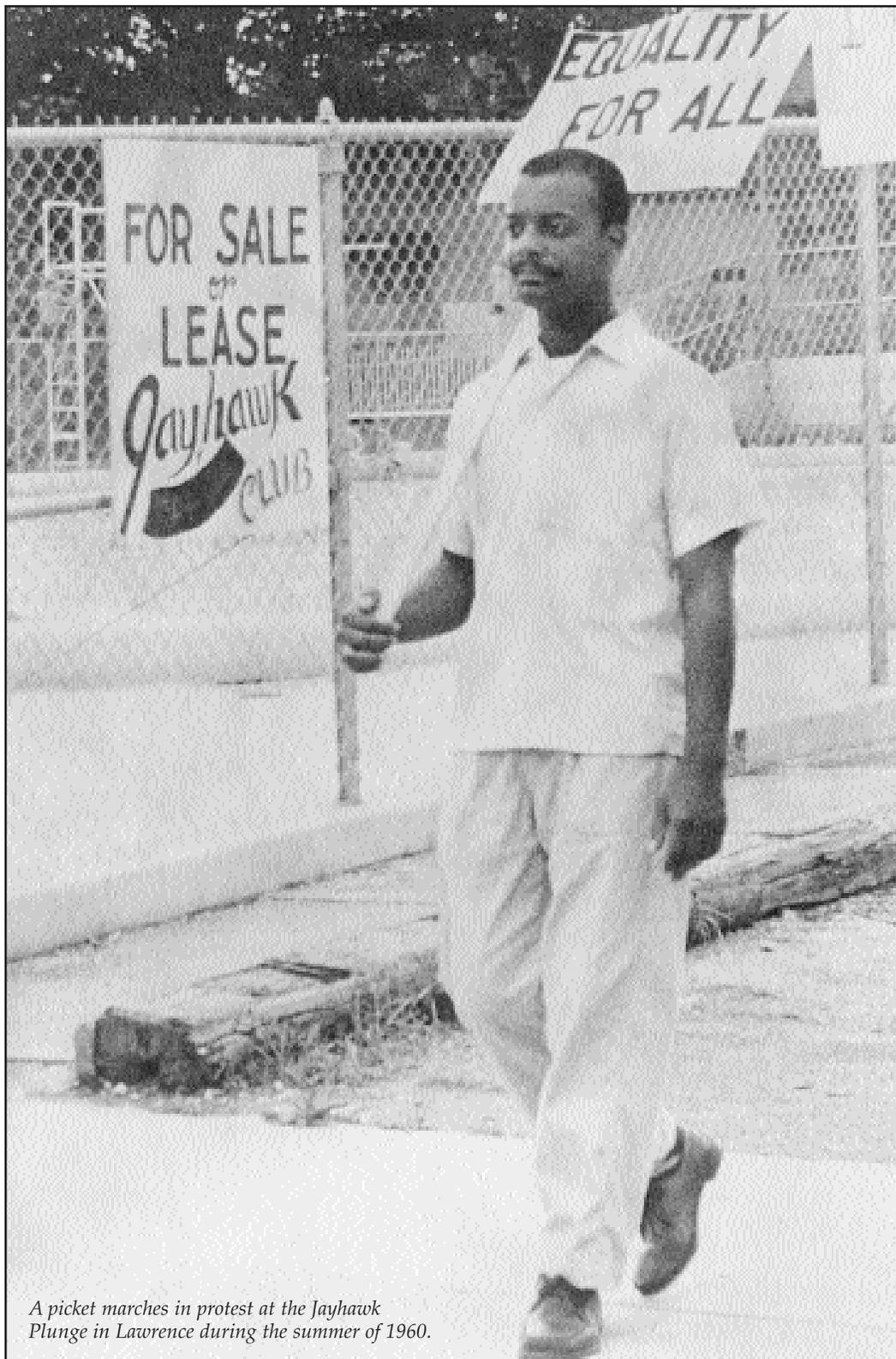
by Rusty L. Monhollon

On a hot Friday afternoon in June 1955, Wray Jones, his eleven-year-old brother Amos, and their ten-year-old friend Charles Steele walked a few blocks from their homes in Lawrence, Kansas, to fish in the Kansas, or Kaw, River. Tired of fishing along the north bank of the river, Wray decided to go swimming. The cool, muddy water, so inviting on a sultry Kansas day, also veiled the river's swift currents and swirling eddies. Wray ventured into deep water, then disappeared. "We thought he might be swimming under water," Amos said. "Then we saw some air bubbles, and he didn't come up again." Although adults were fishing nearby, the boys "apparently . . . were too frightened to shout" for help. An eleven-year-old from Topeka, George Scott, saw what was happening and dove into the river. "I tried to help him, but he pulled me under, too," George said. Someone called the Lawrence police and fire departments. About thirty minutes after he disappeared, searchers recovered Wray's body. Medical personnel tried for forty-five minutes to resuscitate the youth. Twelve-year-old Wray Jones, who had just completed the sixth grade at Woodlawn School, was pronounced dead at the scene.¹

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1. All quotes and accounts of the drowning, unless otherwise noted, were taken from "Drowning, Wreck Claim Two Lives in Area Friday," *Lawrence Daily Journal-World*, June 4, 1955.



A picket marches in protest at the Jayhawk Plunge in Lawrence during the summer of 1960.

Jones was swimming in the Kaw that day because there were no safe places in Lawrence for him—or any blacks—to swim. In 1955 Lawrence did not have a municipal swimming pool. In 1945 and again in 1956 Lawrence voters had said no to issuing bonds to construct a municipal pool.² Lawrence did have a private swim club, the popular Jayhawk Plunge, owned by Bertha Nottberg of Kansas City, Missouri. As a private club, in accordance with the pool's charter and state law, only members and their guests could swim at the pool. Everyone in Lawrence, however, acknowledged that the Plunge was "the public pool" because it also sold single-admission tickets to the pool whether any members were present, if the customer was white. Inexplicably, the pool for years had evaded a city ordinance requiring the licensing of swimming pools. Additionally, the city's recreation commission throughout the 1950s had sponsored a water safety program at the Plunge. In accordance with Nottberg's racially exclusive policy, however, African Americans could not participate. Consequently, the Plunge was a public pool, open only to whites, that operated with the city's acquiescence. White children swam safely at the Plunge by paying the twenty-five-cent admission fee, while black children could only peer at the pool through a chain link fence.³

Wray Jones had not been the first youth from Lawrence to drown in the Kaw, but his death was especially poignant because it came at a time when many citizens of Lawrence were knocking down the

walls of racial segregation in their community.⁴ Prompted by the Jones drowning, E. Jackson Baur, a University of Kansas (KU) professor of sociology, insisted that the city end its complicity in supporting racial exclusion. Baur accepted partial responsibility for Jones's death, saying that he and others in Lawrence had not been vocal enough in fighting segregation. He vowed to do more in the future to avoid such tragic incidents.⁵

Between 1956 and 1960 civil rights activists continued to discuss the lack of integrated recreational facilities in Lawrence. It was not until the spring of 1960, however, that Baur's pledge produced action. In March 1960 the Lawrence League for the Practice of Democracy (LLPD), a liberal, interracial, grass-roots organization (of which Baur was a longtime member) committed to racial equality and social justice, began applying pressure on Nottberg to integrate the Plunge. The LLPD met with Nottberg, mounted a publicity and letter-writing campaign, and pushed the city to take legal action against the pool. Nottberg refused to budge, claiming she needed "guests" to "defray costs" and that Plunge members had overwhelmingly voted against integration. With no solution in sight, on July 4, 1960, about thirty African Americans, many students from KU, began picketing the Jayhawk Plunge. Although the LLPD "officially" distanced itself from the picket and its officers acted only as "advisors," the organization clearly instigated the protest.⁶

2. Lawrence did not approve bonds for building a municipal pool until 1967. The pool finally opened amid acute racial tension in the summer of 1969. See Kathy King and Marilyn Beagle, "The Historical Development of Obtaining a Public Swimming Pool in Lawrence, Kansas," (paper prepared for Sociology 165, Dr. Norman Yetman, fall 1970, University of Kansas), Lawrence Swimming Pool file, Watkins Community Museum of History, Lawrence, Kans.; Rusty L. Monhollon, "Black Power, White Fear: The 'Negro Problem' in Lawrence, Kansas, 1960-1970," in *Race Consciousness: African American Studies for the New Century*, ed. Judith Jackson Fossett and Jeffrey Tucker (New York: New York University Press, 1997), 247-62.

3. Unknown to its white owner, blacks did swim at the Plunge. Speaking at the annual Brotherhood Banquet in Lawrence in 1961, George Brown, a Colorado state senator and an editor for the *Denver Post* who had grown up in Lawrence, recalled with amusement that he and his friends often would scale the fence at the Plunge after dark and swim in the "white-only" pool. See "Lawrence Indicted For Discrimination," *University Daily Kansan*, February 20, 1961.

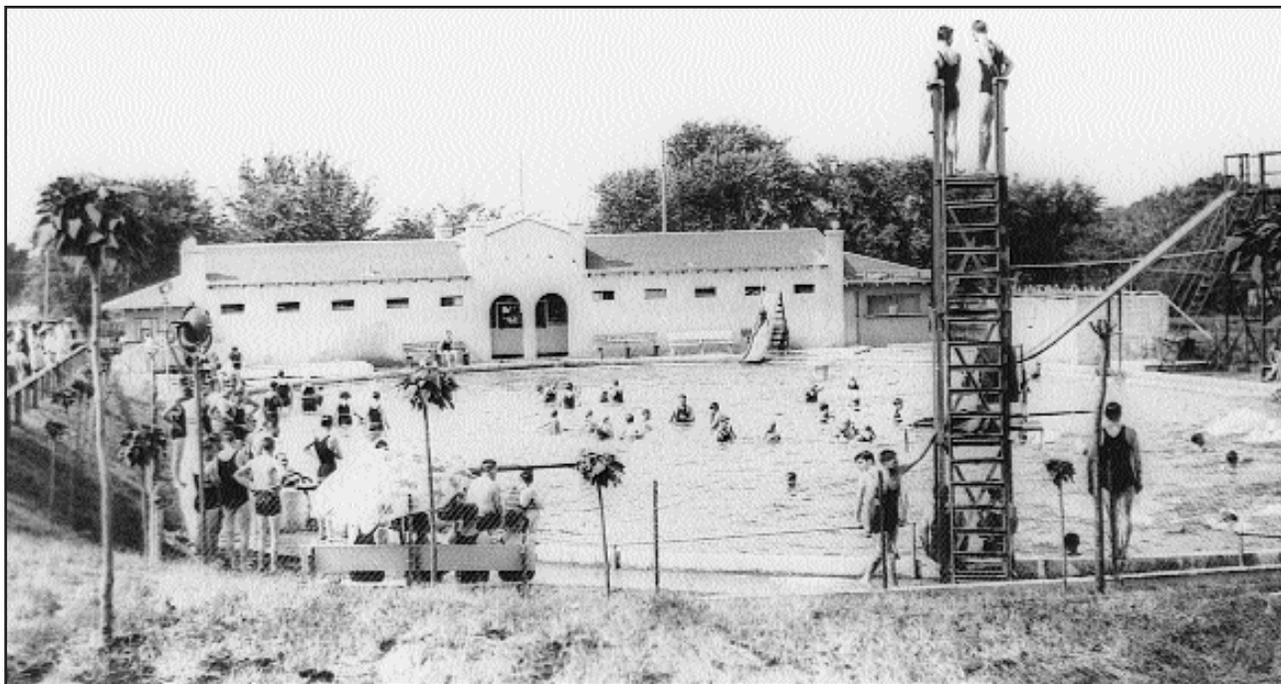
4. Ethel May Moore, born in Lawrence in 1889, recalled that in her lifetime "several" black children had drowned in the river. See Ethel May Josephine Elizabeth Lenore Johnson Moore, interview transcript, Watkins Community Museum of History. Although no other drowning cases have been identified, a letter from Katie Argensinger to the editor, *Lawrence Daily Journal-World*, June 4, 1955, noted that such accidents were not uncommon and were among the motives behind the push for a public pool.

5. Baur was referring to the city recreation commission's water safety program. Dolph Simons Sr., editor and publisher of the *Lawrence Daily Journal-World*, defended the commission's decision, arguing that it was only following the rules set by the owner of the pool. The commission eventually dropped the program. The Plunge simply filled the void by providing swimming lessons and other water safety instruction, but only to white children. See E.J. Baur to the editor, and editor's reply, *Lawrence Daily Journal-World*, June 7, 1955.

6. "Lawrence Pool Being Picketed," *ibid.*, July 5, 1960.

The week-long attempt to take the Plunge touched off a decade of increasingly confrontational protests in Lawrence, hinted at the racial polarization that by 1970 racked the town, illuminated the social and ideological obstructions to racial equality, and suggested an impending split over tactics and strategy within

existing system—to correct past errors.”⁷ This view holds that twentieth-century liberalism—the marriage of a benevolent, activist state, democratic capitalism, and measured economic growth—would resolve America’s class and racial inequities. This view also presumes that the early 1960s was a time when



In the 1950s Lawrence had no municipal swimming pool except the Jayhawk Plunge, a privately owned club off west Sixth Street.

the movement itself. More significantly, however, the demonstration illustrated the often divisive ways that Americans have defined individual freedom and equality, the disputed role of the state in ensuring and protecting those definitions, and how these both create new and maintain old social boundaries.

The demonstration at the Jayhawk Plunge also illustrated the limitations of liberal reforms for achieving racial equality. The “liberal consensus”—of which civil rights was a central feature—dominates historical interpretations of post-World War II America. In his study of Greensboro, North Carolina, historian William Chafe argued that the hope of the civil rights movement was the “capacity of reform—within the

most Americans were committed to liberalism and believed that racial problems could be eliminated.”⁸ This interpretation, however, has recently come under scholarly attack.⁹

7. William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), 350–51. The “liberal consensus” is best explained by British journalist Godfrey Hodgson, *America in Our Time: From World War II to Nixon, What Happened and Why* (New York: Vintage Books, 1976), 76.

8. Gary Gerstle, “Race and the Myth of the Liberal Consensus,” *Journal of American History* 82 (September 1995): 580.

9. Thomas Sugrue’s study of Detroit and Arnold Hirsch’s work on Chicago demonstrate how working-class and lower-middle-class whites resisted integration and social reform as far back as the 1940s, questioning the notion of a liberal consensus. The “local politics of race,” Sugrue writes, “fostered a grass-roots rebellion against liberalism and seriously limited the social democratic and egalitarian possibilities” it promised. See Thomas J. Sugrue, “Crabgrass-Roots Politics: Race, Rights, and the

Lawrence experienced significant resistance to both liberalism and the civil rights movement. Some opponents of integration in Lawrence were simply racist and wished merely to preserve the racial status quo. Between the white/black hierarchy of unreconstructed racists and freedom workers' dream of a color-free society, however, were many Lawrencians who allegedly supported the principle of equal opportunity but who placed the right of an individual to associate and interact with whomever he or she wished above the civil rights of African Americans. Rather than arguing against integration around the nexus of white supremacy/black inferiority, these individuals—consciously or not—effectively resisted integration by painting themselves as defenders of individual freedom. They defined freedom as the right of an individual to acquire, dispose of, and use his or her property without interference from the state; equality as something to be “earned” by the individual rather than something to be “legislated” for particular groups; and the state as the defender of private property and individual rights, rather than the collective rights of minority groups. The result was a defense of segregation more rational and appealing than the crude argument of white supremacy based on racial hierarchies. By defining freedom as the right to own and dispose of property without interference from the state, white Lawrencians in effect challenged liberalism and the activist state by reaffirming existing racial boundaries.¹⁰

Since a sit-down protest in a local cafe in 1947, Lawrence civil rights activists had shied away from

Reaction against Liberalism in the Urban North, 1940–1964,” *Journal of American History* 82 (September 1995): 551–78; Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, N.J.: Princeton University Press, 1996); Arnold R. Hirsch, “Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953–1966,” *Journal of American History* 82 (September 1995): 522–50.

10. Dan T. Carter traces the intersection of race, integration, and politics in *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics* (New York: Simon and Schuster, 1995); Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution* (Baton Rouge: Louisiana State University Press, 1996).

direct action, opting instead to use legal or economic means to integrate the town. Between 1943 and 1960 freedom fighters from the Lawrence National Association for the Advancement of Colored People (NAACP), the university-based Congress of Racial Equality (CORE), and the LLPD, backed by the institutional power of KU Chancellor Franklin Murphy and the intimidating presence of KU basketball star Wilt Chamberlain, had made significant progress in eliminating racial exclusion in Lawrence and at the university. Through the passage of local laws, economic pressure on local businesses, Murphy’s “bully pulpit,” and Chamberlain’s visibility, most of the town was integrated.¹¹ Despite this progress, by 1960 the NAACP and CORE had disbanded, the LLPD was more intent on talk than action, and Murphy and Chamberlain were gone. As a result, many Lawrence businesses excluded African Americans at the owners’ discretion.¹²

The Lawrence League for the Practice of Democracy remained the most visible and vocal force for racial equality in Lawrence from its founding in 1945 until the early 1960s. It was a grass-roots, interracial, civil rights organization, including many members associated with the University of Kansas. The LLPD was typical of many such organizations committed to liberal reform. Its goals were to “foster and encourage,

11. For more on civil rights activism at the University of Kansas prior to the 1960s, see Kristine M. McCusker, “The Forgotten Years’ of America’s Civil Rights Movement: The University of Kansas, 1939–1961” (master’s thesis, University of Kansas, 1993); McCusker, “The Forgotten Years’ of America’s Civil Rights Movement: Wartime Protests at the University of Kansas, 1939–1945,” *Kansas History: A Journal of the Central Plains* 17 (Spring 1994): 26–37; Clifford S. Griffin, *The University of Kansas: A History* (Lawrence: University of Kansas Press, 1974), 627–28. On Chamberlain’s “modest” role in integrating Lawrence, see Wilt Chamberlain and David Shaw, *Wilt: Just Like Any Other 7-Foot Black Millionaire Who Lives Next Door* (New York: Macmillan Publishing Co., 1973), 51.

12. The LLPD apparently had absorbed much of the NAACP’s membership sometime during the 1950s. Jesse Milan, along with several African American ministers, revived the NAACP in the spring of 1960 at the same time Shaffer and the LLPD launched the campaign against the Plunge. Unfortunately, papers of the Lawrence–Douglas County NAACP for the years 1960–1965 are yet to be found. The Kansas State Historical Society has on microfilm the Kansas chapters’ papers to the national office, but only two miscellaneous letters from the Lawrence chapter after 1960 are included. Information in this article about the NAACP are from reports and other memoranda found in the papers of the LLPD and other Lawrence organizations, and in oral histories.

by whatever means possible, . . . democracy, justice, and complete equality of opportunity, with particular emphasis upon better inter-racial understanding, cooperation and good will." The organization charged no membership fee, and members encouraged each other to use their "voice and influence" to "promote understanding, mutual respect and justice among and for peoples of all races, religions and classes." The LLPD had a peak membership of about 650 in 1950 but remained active until the early 1960s. In 1960–1961, for example, thirty to fifty people consistently attended its monthly meetings.¹³

Members of the LLPD shared a commitment to social justice. John Sr. and Vernell Spearman, African Americans who were lifelong Lawrence residents and the children of social activists, were typical LLPD members, working quietly and diligently for racial equality.¹⁴ The visible and very vocal university connection with the LLPD, however, often was a source of contention for those in Lawrence opposed to the LLPD's goals and activities. The more conservative residents of Lawrence frequently sneered at LLPD members as "outsiders," temporary residents with no real commitment to the city, seeking to stir up trouble in their quiet community. While it was true that several of the LLPD's most active members and officers were on the university faculty, spouses of faculty, or students, they too made Lawrence their home and felt justified in fighting racial injustice in the community.

Harry Shaffer, an economics professor at KU and president of the LLPD in 1960–1961, typified the LLPD's university membership. Born in Austria in 1919, Shaffer fled his homeland in 1938 when the Nazis came to power.

13. McCusker, "'The Forgotten Years' of America's Civil Rights Movement," 72. For the early history of the LLPD, see *ibid.*, 72–82; the Lawrence League for the Practice of Democracy Constitution and Pledge, amended July 1, 1959, LLPD Constitution and Pledge file, box 1, Lawrence League for the Practice of Democracy Papers, Kansas Collection, University of Kansas Libraries, Lawrence, hereafter referred to as LLPD Papers. The 650 membership estimate comes from George Caldwell, LLPD president in 1965, in a history he wrote of the organization. See Papers, History file, box 4, *ibid.*

14. John Spearman Jr., interview by author, October 9, 1994.

After a stint in the U.S. Army, Shaffer took a position at the University of Alabama, where he was actively involved in the efforts of Autherine Lucy to integrate the university. In 1958 he came to KU as an assistant professor and soon joined the LLPD. He was surprised at the state of race relations in Lawrence, which he believed in many respects was not any different from that in Alabama. He was stunned to learn that restaurants and theaters in Lawrence were segregated. Shaffer was convinced that equal rights had support in Lawrence, but few business people were willing to risk a personal financial loss to fight for racial equality.¹⁵

This was particularly clear in Lawrence during the struggle to integrate the Jayhawk Plunge. After World War II a perennial source of racial tension and civic embarrassment in Lawrence was the lack of public recreational facilities, especially a public swimming pool, open to all Lawrencians. A bond election to finance a new municipal pool had failed in November 1956, little more than a year after Wray Jones's drowning.¹⁶ The *Lawrence Daily Journal-World*, citing the example of the recently integrated Swope Park pool in Kansas City, argued that the proposal's failure was because bond opponents believed that integration would cause a pool to lose money. The *Journal-World* suggested that residents would have approved the bond proposal "had it not put the city in direct competition" with privately owned swimming clubs (like the Plunge), had a better location been found, had the price tag been smaller, or "if the racial issue had not been present." Although the editorial did not state explicitly what the "racial issue" was, it implied that an integrated municipal pool could not

15. Information on Shaffer's background is from "Vitae," Morgue file, University of Kansas Archives, Lawrence; Harry Shaffer, interview transcript, Retirees Club Oral History Project, University of Kansas Archives; Shaffer interview. For more about the LLPD's membership, see McCusker, "'The Forgotten Years' of America's Civil Rights Movement," 73–78; Rusty L. Monhollon, "'Away From the Dream': The Roots of Black Power in Lawrence, Kansas, 1960–1975" (master's thesis, University of Kansas 1994), 31–33.

16. See Lawrence League for the Practice of Democracy, "Report on a New Lawrence Swimming Pool," Discrimination in Lawrence file, box 3, LLPD Papers.

and should not compete economically with private businesses like the Plunge.¹⁷

After 1956, instead of concentrating their efforts on the construction of a municipal pool, civil rights activists led by the LLPD worked to close loopholes in the Kansas public accommodations law, to ensure

unwillingness to eliminate racial discrimination “through a gradual process.” He avowed that as LLPD president he would use all methods, “always in orderly fashion and within the law,” including mass-meetings, boycotts, or a “sit-down procedure” to accomplish that goal.¹⁸

You are cordially invited . . .	Here's the info about this program . . .
to participate in a swimming program that offers very worthwhile benefits to you, individually, to you and your family, or to you and your friends and organizations . . . adults and children, both male and female, ages 5/10 or 15/and over, are welcome into this swimming-lessons program . . . socially selective and friendly . . . financially very reasonable . . . instruction excellent.	Requirements for enrolling in our Red Cross approved swimming and diving classes:
	Individuals do not need previous swimming experience, but they must be of public school age to enroll in Beginners' Swimming classes.
	Individuals who have reached the age of twelve, or who are not older than fifteen, or who are students in the seventh to tenth grades, are eligible to take life saving
Jayhawk Club and Plunge, 614 S Florida, Lawrence, Kansas	

Unquestionably the Jayhawk Plunge was both racially exclusive and a public pool. In a promotional brochure the club invited residents of Lawrence to swim in a “socially selective” pool.

complete compliance with it, and to integrate existing facilities. Their efforts, however, focused more on talk than taking direct action to challenge racial exclusion. In March 1960, no doubt inspired by the Greensboro lunch counter sit-ins in North Carolina, the LLPD saw in Bertha Nottberg and the Jayhawk Plunge a target it believed could help accomplish its goals.

Harry Shaffer took over the presidency of LLPD from Jesse Milan at the March 31, 1960, annual meeting. That night Shaffer announced that the organization’s “Major task” was to secure “within the legal limits” local compliance with the Kansas public accommodation law and to see that the Jayhawk Plunge was integrated. Shaffer said that although the vaguely worded law needed to be amended, “locally, the fullest possible enforcement must be secured in applying the law as it now stands.” He expressed an

The Plunge was perhaps the most visible target for desegregation in Lawrence. Unquestionably it was both racially exclusive and a public pool. A brochure promoting the Plunge’s summer activities “cordially invited” residents of Lawrence to swim in a “socially selective and friendly” pool. Its registration form asked for the applicant’s name, address, age, and race. Moreover, it was clear, at least to the LLPD, that Nottberg had converted her pool into a private club in 1959 solely to avoid compliance with the new amendments to the Kansas public accommodation law. The law had amended a section of the 1949 Kansas criminal code and made it a misdemeanor to discriminate in “any place of public entertainment or public amusement, for which a license is required by any of the municipal authorities of this state” because of “race, color, religion, national origin

17. *Lawrence Daily Journal-World*, November 3, 13, 1956, as quoted in King and Beagle, “The Historical Development of Obtaining a Public Swimming Pool in Lawrence, Kansas,” 3.

18. Lawrence League for the Practice of Democracy, “Notes on Annual Meeting,” March 31, 1960, History file, LLPD Papers.

or ancestry." The LLPD for some time had been lobbying for a clarification of what constituted a "place of entertainment or amusement," and recommended that the Kansas legislature amend the phrase to include "theaters, and motion-picture theaters, bowling alleys, skating rinks, swimming pools, lakes for fishing or swimming or boating or golf courses." As the law stood in 1960, private clubs were exempt from the law, thus Nottberg's rationale for converting the Jayhawk Plunge to a private club.¹⁹

Nottberg was flouting the spirit, if not the letter, of the law by admitting nonmembers through the purchase of a single admission ticket. More significantly, however, the Plunge was not licensed by the city. Nottberg clearly was violating a city ordinance requiring the licensing of swimming pools.²⁰ Nottberg was not solely responsible for evading the licensing requirement. City officials had made little effort to enforce the law, and the recreation commission's water safety program had given tacit approval of Nottberg's racially exclusive policies.

The LLPD began its mission by talking directly to Nottberg. In May, Shaffer and other LLPD members asked her to consider integrating the pool. Nottberg gave several reasons for keeping the pool segregated. She feared "racial troubles" if black and white children swam together. The LLPD scoffed at her anxiety but offered to provide "3 to 5 faculty and graduate students" to police the pool and keep problems from erupting. Claiming that she had lost seven thousand dollars the previous year, Nottberg believed that integration would increase her loss. The LLPD pointed to pools in Topeka and Parsons that saw revenues increase after integrating. Countering that the Swope Park pool in Kansas City, Missouri, had lost money when it integrated, Nottberg asked if the LLPD could

"guarantee" a profit if she integrated the pool.²¹ She also suggested that the LLPD buy the pool. The LLPD replied that it did not have the money to buy every segregated business, but it was willing to work with Nottberg to make her venture an economic success. The LLPD claimed that many members would buy a season pass to an integrated pool, but Nottberg suggested that these people first buy season passes and then all the members could vote on whether to integrate. She steadfastly claimed that "2/3 of all people who had bought season tickets last year voted against integration," although she would not produce a membership list. The LLPD closed its meeting with Nottberg by reminding her it had the "law on [its] side" and that the "whole community would benefit" if the pool were integrated. And although it "would not like to," the LLPD was willing to "picket her place." Nottberg threatened to close the pool if "there were troubles of that kind." Seeing an opportunity to rid herself of a financial albatross, cut her losses, and avoid a confrontation, Nottberg asked the LLPD to work with her to get the city to purchase the pool.²²

On May 20 the LLPD mailed a questionnaire to the university faculty asking whether they supported integration of the Plunge and if they would "pledge" a membership, paying for it only when the pool integrated. Of

21. The Kansas City parks department closed the Swope Park pool in 1952 and 1953 rather than allow blacks to swim. The pool finally was integrated in 1954, more than two years after the Kansas City NAACP filed suit to challenge the park board's segregation policy. A city-operated, black-only pool was opened at Seventeenth and The Paseo, but the suit argued that it was not as "equal and adequate" as the Swope Park pool. The U.S. District Court upheld the right of blacks to equal facilities in 1952, but the city could not afford to build an "equal and identical" pool. The park board relented in 1954 and reopened the pool to all. As in the Plunge case, opponents (including members of the Kansas City Park Board) claimed an integrated pool would lose money. One board member cited two pools in St. Louis that had experienced a "90 percent loss in patronage." This was a legitimate assertion, no figures were provided in either case. The Swope Park pool opened for its eleventh season in 1955 with no mention of racial problems or loss of patronage from the previous summer. See "May Sue Over Pool Use," *Kansas City Times*, June 8, 1951; "Quiet on Pool Opening," *ibid.*, April 14, 1953; "To Open Swope Pool," *ibid.*, April 1, 1954; and "Swope Pool Opens Today," *ibid.*, June 11, 1955.

22. Lawrence League for the Practice of Democracy, "Talk with Mrs. Nottberg," Swimming Pool Investigation, Lawrence, 1960-1961 file, box 3, LLPD Papers

19. *Kansas General Statutes, Supplement* (1959): 21-2424; the LLPD's recommendations are in "Preliminary Recommendations to the Legislative Council Committee," History file, LLPD Papers. For a brief history of civil rights legislation in Kansas, see Joseph P. Doherty, *Civil Rights in Kansas: Past, Present and Future* (Topeka: State of Kansas Commission on Civil Rights, 1972).

20. Lawrence City Ordinance, Section 10-11, Swimming Pool Integration file, box 2, LLPD Papers.

the 310 replies (25 percent of the mailing), 252 favored integration, and 42 percent said they would pledge a membership if the pool were integrated.²³ Many respondents wrote to Nottberg to express their personal distaste with racial segregation and promised their financial support of an integrated pool. Typical of the letters was one from Juliet Popper, a professor of psychology at KU, an advisor at the picket, and the wife of LLPD president Harry Shaffer. Popper wrote that segregation was “an offense to human dignity and a violation of the basic principles of a democratic society.” Popper promised to purchase a membership when the pool integrated but vowed never to attend if it remained segregated. Stuart Levine, a professor of English at KU, had had a family membership at the Plunge in 1959, but was “not willing to join this year” and would “join next year only if the pool [were] integrated.” He closed by telling Nottberg: “You will, of course, have to integrate the pool or close it if the League takes legal action.”²⁴

Local officials were not, however, as certain of the LLPD’s position on this point. Restaurants and hotels were subject to the antidiscrimination law because they were named specifically in the act, swimming pools were not. The LLPD believed pools were “places of public amusement” and thus were covered by the statute. Douglas County Attorney Wesley Norwood, at the LLPD’s annual meeting in March 1960, had commented on the “absurdity” of quibbling over whether “bowling alleys or skating rinks or swimming pools” fell under the provisions of the 1959 amendments. He reminded the LLPD that the law had been in effect for less than a year and believed that the LLPD could best use its activism by lobbying for new civil rights legislation rather than attempting to use the courts or protests to end segregation.²⁵ In May Lawrence City Attorney Charles Stough had told

23. It is not clear if the LLPD sent the questionnaire only to faculty or to all KU employees and staff. The latter seems more likely, as KU had only about seven hundred full-time faculty in 1960. See “Questionnaire, May 20, 1960,” Swimming Pool file, box 3, LLPD Papers

24. Juliet Popper to Bertha Nottberg, June 3, 1960, *ibid.*; Stuart Levine to Bertha Nottberg, June 6, 1960, *ibid.*

25. Lawrence League for the Practice of Democracy, “Notes on Annual Meeting,” March 31, 1960, History file, LLPD Papers.

the LLPD that the city ordinance requiring the licensing of pools was unconstitutional. Stough explained that the ordinance had been designed as a revenue measure rather than a health and safety law. Citing a 1959 Kansas Supreme Court ruling, Stough claimed that since the intent of the ordinance was not clear in its title, it would not stand up to a legal challenge. Members of the LLPD, however, disagreed and insisted they were on secure legal ground as long as the licensing action was not “arbitrary and capricious.”²⁶

With more than one hundred persons attending, on June 14 the city commission repealed the old ordinance and charged Stough with studying and composing a new one that would withstand a legal challenge. The repeal of the ordinance left civil rights activists with no legal foundation on which to seek an injunction against the Plunge, but the LLPD contingent left satisfied that a new ordinance would be in their best interests. Denying charges that they were protecting Nottberg, the city commission affirmed its desire to desegregate the pool by “legal steps” but set no timetable to achieve that goal. Mayor John Weatherwax said that he hoped “any public business would be open to anyone who can pay the price, regardless of race or creed.” He “personally would boycott a bigoted person’s business.” The commission also defended the rights of property owners, claiming they would be reluctant to “forc[e] a property owner to do something to which he was opposed.”²⁷

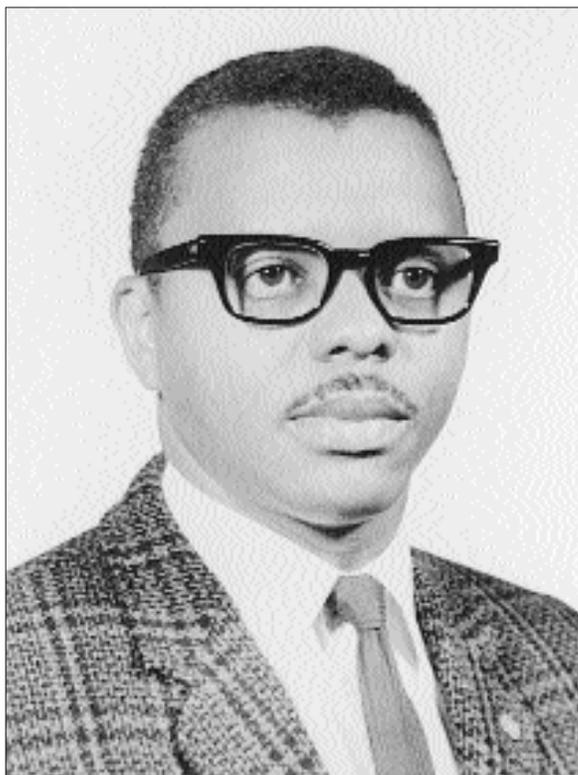
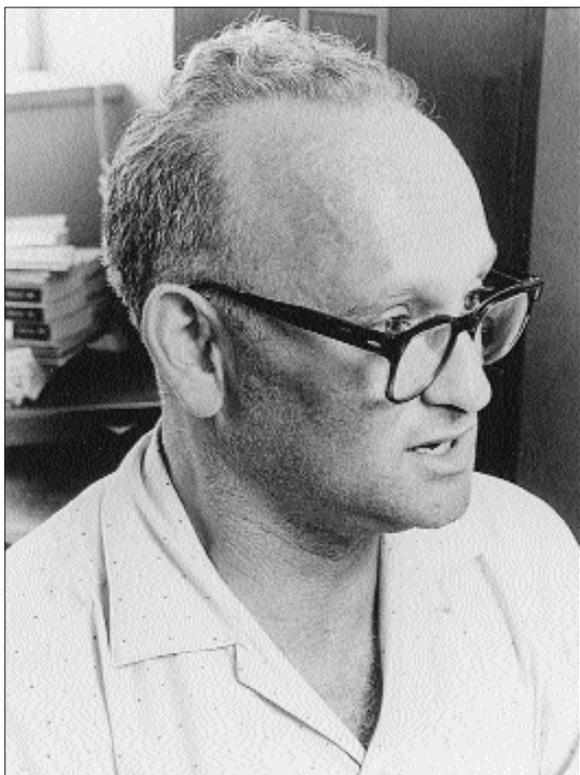
While Shaffer and the LLPD initiated the campaign against the Plunge, Jesse Milan, the first African American teacher in the post-Brown Lawrence public schools, and other African Americans were reconstituting the

26. The Kansas Supreme Court ruling to which Stough referred was probably *State of Kansas, ex rel Moore v City of Wichita*, 184 Kan 196 (1959). The court ruled unconstitutional a Wichita city ordinance requiring the licensing of “certain trades, occupations, businesses and professions” because the “subject of the act authorizing cities to license for revenue purposes is not clearly expressed in its title.” Stough’s position was explained in “Lawrence Pool Target in Move on Segregation,” *Lawrence Daily Journal-World*, June 15, 1960. For the LLPD’s take on the ruling, see Swimming Pool file, LLPD Papers.

27. “Lawrence Pool Target in Move on Segregation.”

NAACP chapter in Lawrence. The *Kansas City Call* reported that Milan and Reverend A.L. Parker of the First RM Baptist Church led an organizational meeting for a “proposed NAACP chapter” at the Ninth Street Baptist Church on May 15. Another meeting was held on May 24 to elect officers, with state

were all black women. The formation of the Lawrence–Douglas County NAACP suggests a level of dissatisfaction with the LLPD among some African Americans. Milan had been president of the LLPD before Shaffer but had grown tired of what he perceived to be the LLPD’s lack of commitment to ac-



Harry Shaffer (left) took over the presidency of the LLPD from Jesse Milan (right) in March 1960. Shaffer was surprised at the state of race relations in Lawrence when he moved there from Alabama in 1958 and was committed to work for racial equality. Milan left the LLPD after Shaffer’s election and within a week began reorganizing the Lawrence–Douglas County NAACP.

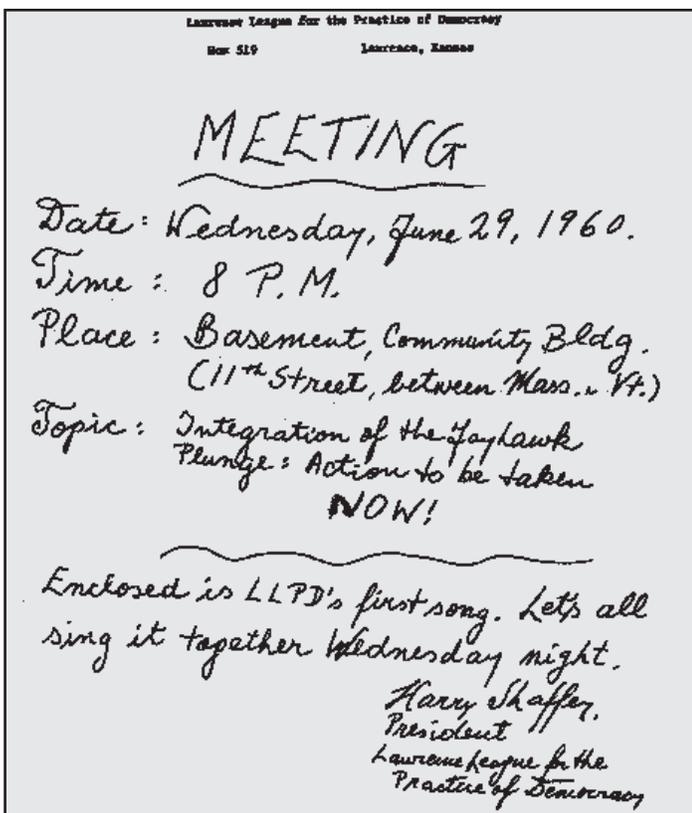
NAACP leader Samuel Jackson, a Topeka attorney, attending. Reverend Therion Cobb was elected president, Reverend Frank Brown of Ninth Street Baptist was selected vice president, and Milan was chosen secretary.²⁸ The treasurer and executive committee

tion. “They didn’t do a damn thing,” Milan recalled, without citing any specifics. “They raised concerns, but didn’t get any results.” Milan had wanted to convert the LLPD to a branch of the NAACP as early as 1956 but was unsuccessful.²⁹

28. Brown also was first vice president of the LLPD and likely the only black among the group’s officers. Additional information about Therion Cobb has not been found. The *Call* did not identify his church or where he lived, nor does his name appear in the city directory.

29. Jesse Milan, interview by author, May 27, 1994. Several LLPD members supported Milan’s contention, agreeing that the organization tended to focus “on talk rather than action.” See McCusker, “The Forgotten Years’ of America’s Civil Rights Movement,” 74.

In fact, Milan moved to organize the Lawrence–Douglas County NAACP only a few weeks after he stepped down from the leadership of the LLPD. It is possible that personality conflicts had arisen between Milan and Shaffer, although no documentation exists to support this possibility, and neither Milan nor



Harry Shaffer called a meeting for June 29, emphasizing that immediate action must be taken to integrate the Jayhawk Plunge.

Shaffer would confirm it. The divergent tactics and leadership of the two organizations hinted at an impending rift in the movement. The LLPD’s leadership in 1960 was mostly white liberals from the university. The newly organized NAACP’s leadership was entirely black and included several pastors of black churches. It appears that none of the NAACP’s officers was affiliated directly with the university.³⁰

In 1960, however, the NAACP and the LLPD both wanted to integrate the Jayhawk Plunge, although accounts differed over the best way to achieve that goal. Milan claimed that the NAACP had “strategized” with Stough, Shaffer, and other individuals interested in integrating the Plunge before the pool opened in early June. Led by Vice Chairman Samuel Jackson, the state NAACP would seek a court injunction against the Plunge for violating the city licensing ordinance. In all likelihood, the meeting to which Milan referred was the one Shaffer called for June 13, at which Sam Jackson was present. At this meeting Shaffer wrote to LLPD members that “we will discuss any and all lawful methods” of integrating the Jayhawk Plunge. Milan claimed, however, that picketing or any other public protest was not discussed because it was agreed that direct action would probably cause the pool to be sold, preempting the effect of an injunction. The injunction strategy, according to Milan, was the preferred course of action for desegregating the pool and the one upon which all who attended the meeting had agreed.³¹ Newspaper accounts corroborate Milan’s assertion that activists had been seeking a legal solution to the problem, either through a court injunction or the licensing power of the city.

Evidently Harry Shaffer and the other LLPD leaders did not agree with Milan. A clear sense of urgency shows in Shaffer’s letter and notes regarding the June 13 meeting and the statement of “action to be taken now” against the Plunge. On June 10 Shaffer sent a telegram to Kansas Attorney General John Anderson asking if Anderson could give his opinion on the constitutionality of the city’s licensing law before the June 13 meeting. Shaffer emphasized to Anderson that the LLPD needed “to decide upon immediate steps to integrate swimming pool.” Another handwritten note, probably written by Shaffer before the June 13 meeting, read, “We are acting in democratic fashion. But if [the] rational approach [is] blocked our friends will probably take other legal measures such as public demonstrations, etc.” Shaffer called another

30. *Call* (Kansas City, Mo.), May 20, 27, June 3, 1960.

31. Milan interview.

meeting for June 29 to discuss “Action to be taken NOW!”³² It seems clear that Shaffer, with the support of at least part of the LLPD, was intent on a showdown with Nottberg at the Jayhawk Plunge.

The LLPD did not rest while the city moved to pass a new ordinance to license the pool. It met frequently and distributed flyers encouraging local residents to support the integration of the pool. It also prepared newspaper advertisements. Although the ads never ran, they provide insight into the LLPD’s effort to take the Plunge. One advertisement showed a young black boy and black girl holding hands; the caption read, “It’s so hot and sticky in Lawrence in the summer/We want to go swimming/Other boys and girls can go swimming—in Topeka, in Kansas City, in Wichita, and in other Kansas towns/Why can’t we?” Another asked for support from children in the community: “Be with us from that day on until we dive into the Jayhawk Plunge together with our white classmates.” The LLPD emphasized the negative impact segregation had on children and used this emotional appeal to garner support for its cause.³³

By July 1, after the pool had been open for more than a month, the injunction still had not been obtained nor had the city licensed the pool or passed a new ordinance. Some LLPD members encouraged patience and opposed picketing; others, however, had run out of patience.³⁴ Around noon on July 4

32. Form letter, June 8, 1960, Swimming Pool file, LLPD Papers; notes regarding June 13 and June 29, 1960, meetings, *ibid.*

33. The ads never ran, probably for lack of money. A handwritten note suggested that they would cost \$100.80, \$140, and \$191.20. See notes and advertisement copy, *ibid.*

34. According to several letters from LLPD members, the entire membership did not advocate picketing. See Sally Krone to Harry Shaffer, July 9 [1960], *ibid.*, C.A. Valentine to editor, *Lawrence Daily Journal-World*, July 15, 1960. In fact, there appeared to be some confusion over the LLPD’s “official” role. Valentine said it was “clear” to him that the LLPD was “not responsible for the picketing,” but opponents of the picket felt otherwise. A few days earlier a letter from the officers of the LLPD reiterated their position of not being “sponsors” of the picket. The same letter, however, also restated that the LLPD was “actively engaged in promoting integration at Lawrence’s only commercially operated swimming pool.” Shaffer and the LLPD’s leadership distinguished their other efforts to integrate the pool from the picket. See Harry Shaffer et al. to editor, *Lawrence Daily Journal-World*, July 11, 1960.

more than thirty African Americans, mostly students from the university and including some members of the LLPD, began picketing the Plunge. Impatient at the pace of legal efforts to integrate the pool, the students, with encouragement from Shaffer and other LLPD members, initiated the protest. Marvin McKnight, one of the pickets, declared, “We are interested in gaining our rights. We will do it peaceably, but we will do it.” The protesters vowed to continue the picket until the pool was integrated.³⁵

Although officially distanced from the picketing, Shaffer, John Sr. and Vernell Spearman, and other LLPD members were present at the pool as “advisors” and “observers.” They welcomed “student support” to fight segregation. “This action today was spontaneous and by word of mouth,” Shaffer claimed. Virginia Titus, a vice president of the LLPD, and Clifford Ketzler, also of the LLPD and an assistant professor of political science at KU, said that the LLPD “welcomes student support toward the objective of swimming facilities for all Lawrence citizens. However, it is not participating in nor is it a sponsor of this demonstration. As far as we know it is completely student-initiated and student-directed. . . . It would be fair to say, however, that we are most sympathetic to their objective.”³⁶

Apparently Shaffer always had the picket in mind, and his decision for the LLPD not to participate officially in the protest was mostly symbolic. The sight of young African Americans—including ten-year-old John Spearman Jr., who had decided it was the “right thing to do” after conferring with his parents—picketing a segregated facility created a more powerful image than a group of white, middle-class, university professors doing so. Shaffer’s notes suggest that in early June he was considering using students as pickets.³⁷

According to Jesse Milan, the protest also contradicted the strategy to which Milan, Stough, and Shaf-

35. *Call*, July 15, 1960; “Lawrence Pool Being Picketed.”

36. *Call*, July 15, 1960.

37. Spearman interview. See also notes, Swimming Pool file, LLPD Papers.

fer had agreed a month earlier. It is not clear why the LLPD broke this agreement or if such an agreement had been made.³⁸ Even as it pushed the picket, the LLPD continued to press the city to pass an ordinance on which an appeal for a court injunction could be made.³⁹ Nonetheless, the picket was what Shaffer and part of the LLPD wanted all along. Shaffer apparently believed that direct action was the only option left to pursue because of the delay in obtaining the court injunction and Nottberg's intransigence. For his part, however, Jesse Milan believed "a Judas" must have been at that June meeting who "convinced some black folks to not use the approach of the injunction . . . and to go ahead and picket." Milan would not name the "Judas" but likely he was referring to Shaffer. Milan did not participate in or support the picketing. He told blacks participating in the protest that they were not "thinking for themselves" and were "doing what some white folks put [them] up to do." Although previously frustrated with the LLPD because it was "all talk and no action," Milan believed the NAACP's legal strategy had been ignored because "black folk suggested" it. If the injunction tactic had been followed, Milan contended, it would have "shut that damn pool down and nobody would have swum and then the heat would have really been on . . . and the bond issue [for a new pool] would have passed."⁴⁰ Milan's statements point to the beginning of a struggle between white liberals, like Shaffer, and black activists, like Milan, not only over tactics and strategy but also for control of the movement.

Nottberg decried the picketing, claiming that integration would be "economic suicide" for her. She

38. No evidence has been found to support or refute Milan's contention that such an agreement had been made. Although newspaper accounts, including the *Call*, frequently refer to the LLPD's effort to obtain a court injunction, none mentions either Milan's or the NAACP's role in that effort. It seems clear that while the LLPD wanted the injunction, its papers and Shaffer's recollections suggest that part of the organization intended to picket the Plunge if other tactics did not produce results. During an interview Shaffer indicated that the picket had indeed been at the behest of the LLPD. Moreover, Shaffer never mentioned any meeting with Milan or Stough to discuss other options. See Shaffer interview.

39. "Fast City Action Sought by LLPD," *Lawrence Daily Journal-World*, July 6, 1960.

40. Milan interview.

publicly offered to sell the pool to the city or the LLPD and let them operate it as they saw fit.⁴¹ Inexplicably, the LLPD, the NAACP, nor any other Lawrence group or individual turned to the state to intervene in or mediate the matter. The protest remained local.

Dear Friends

Our city is justly proud of its reputation as a graceful, unlightened and civilized place to live. Yet racial discrimination with its ugly and demoralizing effects on the community still exists: The Joybank Plunge, the only swimming pool in Lawrence open to the public, has not been admitting Negroes.

The LLPD's Board, in part made up of KU faculty and faculty wives, has assumed, in working and speaking for the organization, that "the bill" community action and supports its general objectives and, more specifically, the particular project of securing integration at the Joybank Plunge. When challenged, however, the Board could not produce such evidence—other than its own opinions and the meager support received from many KU people—to prove its contention.

Will you help us with an informal survey of KU opinion by answering the questions listed below and returning this letter to Box 512, Lawrence, Kansas or to Stough, P.O. Box 100, Wilson, Kansas? The results, in tabulated form, will be used by the League in its efforts to work toward securing equal rights for all in Lawrence.

Circle One

1. Do you favor integration at the Joybank Plunge?	Yes	No	Uncertain
2. Did you, your family, or any member of your family have a season "membership" in the Plunge in the summer of 1958 or 1959?	Yes	No	
3. If you answered "Yes" to question two, would you be willing to further our cause by pledging that this "membership" will not be renewed unless the Plunge is integrated?	Yes	No	Uncertain
4. If you answered "No" to question two, would you be willing to further our cause by pledging that such a "membership" will be taken out after the pool has been integrated?	Yes	No	Uncertain
5. Please feel free to add any comments or qualifications on the reverse side of this sheet.			

After the picket began, the LLPD demanded that the city commission take immediate action to enact the new city ordinance that would force integration of the pool. At the July 5 commission meeting, Stough insisted that he was "trying to get a good swimming pool ordinance drawn up, irrespective of the controversy around integration." Weatherwax remarked that if "our action has been slow to date it is the result of the LLPD's visit en masse to our meeting of June 14." He added, "We are trying to get an ordinance that will stand the test of time." Pointing out that "many unanswered questions" remained, Weatherwax asserted that "rush legislation on our part probably would weaken" the LLPD's case for an injunction.

41. "Lawrence Pool Being Picketed"; *Call*, July 15, 1960.

Stough did draft a new licensing ordinance, and it was given a first reading July 12.⁴²

While the city moved cautiously, picketing continued and tensions increased. John Spearman Jr. recalled that after the protest began slats had been placed in the chain link fence and protesters could no

that as long as there is a pool here and it is supported by the public, we should be allowed to use it."⁴³

On Sunday, July 10, a token counter protest began. Signs hung on the fence surrounding the pool by unidentified supporters of Nottberg asked, "What happened to the personal rights of private industry

845 Main Street
Lawrence, Kansas
June 7, 1960

Mrs. Bertha Nottberg
650 W. 87th Street
Kansas City, Missouri

Dear Mrs. Nottberg,

As new residents in Lawrence and ones who expect to reside here for some time, we are genuinely concerned about your policy of excluding Negroes from admission to your Jayhawk Plunge.

My wife and I are firmly opposed to such racial segregation. The reputation of your pool will definitely be lowered in our esteem, and that of many of our friends.

We strongly urge you to reconsider and to allow Negro attendance.

Furthermore, your present fee of 77cents per adult non-member is outrageously high. These two factors, exclusion of Negroes and high fees, will prevent us from attending your fine pool until such conditions are altered.

Thank you for your consideration.

Sincerely,
The H. L. Johannsons

P.S.
We are Caucasian

June 10th, 1960

Mrs. Bertha Nottberg,
650, West 87th Street,
Kansas City,
Mo.

Dear Mrs. Nottberg,

We should like to convey to you our distaste at the situation which we find occurring at your swimming pool, that is, the prevention of the use and enjoyment of the pool by negroes.

We find ourselves unable to apply for membership of your establishment since, although we are both of Anglo-Saxon origin, we make it a practice to avoid such segregated facilities wherever possible. We both enjoy swimming and since yours is the only pool in Lawrence this is a serious limitation to our summer recreation.

We know from conversations with friends that there are many others in Lawrence who share our opinions on this matter, and the present situation is probably even one of financial disadvantage to you.

Therefore, we strongly urge and beg you to change your policy and to make this and succeeding summers more pleasurable for all the citizens of Lawrence, of whatever race or color they happen to be.

Yours sincerely,
J. O. L. Wall,
Marjorie A. Wall.

On May 20 the LLPD mailed a questionnaire to the university faculty asking whether they supported integration of the Jayhawk Plunge. Many respondents also wrote to Bertha Nottberg to express their personal distaste with racial segregation.

longer see the pool or the swimmers. Harold Stagg affirmed the picket's goals: "We will continue to picket until Mrs. Nottberg decides to open the pool to us." Mrs. Stagg added, "If it were just a matter of owning a pool I would build one in my back yard. We feel

to operate at a profit?" and "KU does have a pool, what's wrong with it?"⁴⁴ As these signs suggest, Nottberg's supporters opposed the picket on two grounds: the protest was trampling on the right of a property owner to use her property as she saw fit, and "outsiders" from the university were responsible for stirring up trouble.⁴⁵

42. "Fast City Action Sought by LLPD"; "Pool Measure To Commission For Discussion," *Lawrence Daily Journal-World*, July 11, 1960; Lawrence City Commission Agenda, July 12, 1960, Swimming Pool file, LLPD Papers. The measure finally was approved late in July. In early August commissioners moved to establish an ordinance requiring private pools to be licensed. See "Non-Public Pools Included in Next Ordinance Action," *Lawrence Daily Journal-World*, August 8, 1960.

43. Spearman interview; *Call*, July 15, 1960.

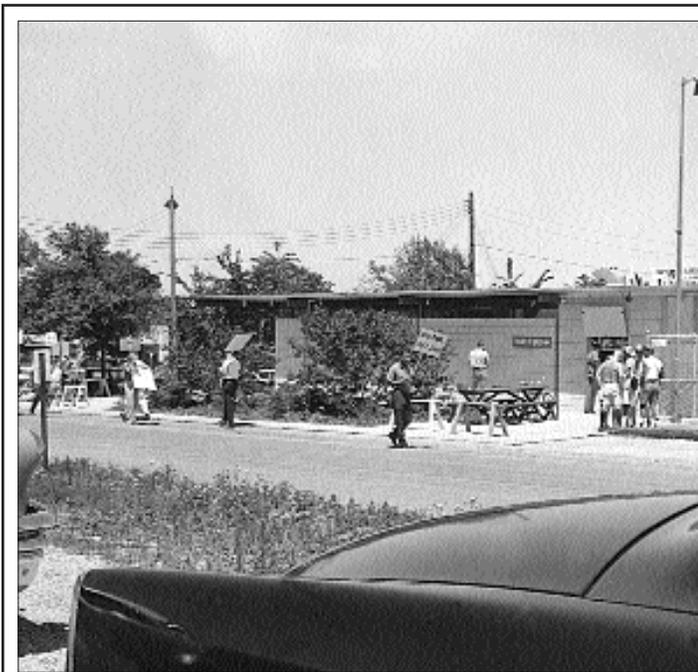
44. "Anti-Picket Signs Show Sunday at Local Plunge But Marching Continues," *Lawrence Daily Journal-World*, July 11, 1960.

45. The property rights defense of segregation was used elsewhere in the United States to fight liberalism and civil rights activism. See Sugrue, *Origins of the Urban Crisis*, especially 209-30.

Ed Abels, the libertarian, anticommunist publisher of the weekly *Lawrence Outlook*, had written before the picket began that the only “rights” that supporters of integration had were “to build one of the finest pools that can be built and operate it according to the plans that they advocate.” Abels argued that since

to belong in the inalienable rights category. What about the rights of business owners? Have they lost their right to run their business as they see fit[?] . . .

Did the city consider action in the building, running, and expenses of the pool? If they are going to take action on business problems that



Pickets at the Jayhawk Plunge. In the photo at the far right the three observers are identified in the Lawrence Daily Journal-World as Marvin W. McKnight, KU graduate student; Juliet Popper, assistant professor of psychology at KU; and Steven Baratz, KU graduate student. These three, all members of the LLPD, served as “advisors” to the picket, which they insisted did not represent the LLPD.

Nottberg had invested her money in the pool, it was her right not to admit “just anybody” to the facility.⁴⁶ Lawrence homemaker Norma McCandles wholeheartedly agreed. She wondered

why all of a sudden there has developed a prejudice against Negroes. They’ve always had their voting rights, educational opportunities, along with certain other rights as citizens of Lawrence. Then all of a sudden, the pool has been considered

they have no control over, then it seems that rights mean nothing. If the city takes action on this problem, it might as well take over everything.⁴⁷

McCandles also worried that “the nation [was] going to break up in small minority groups and small-scale pressure groups and completely destroy the business rights of this nation.”⁴⁸

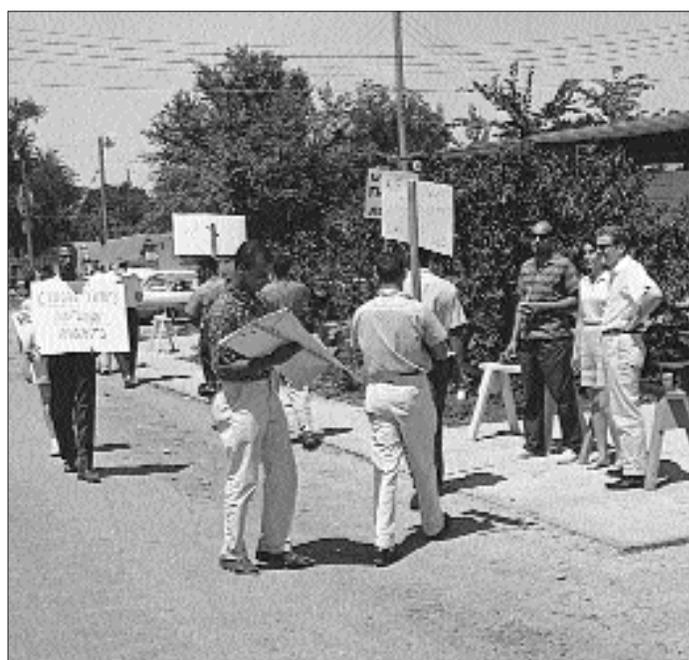
46. “Comments on Local Affairs,” *Lawrence Outlook*, June 23, 1960.

47. Norma McCandles to editor, *Lawrence Daily Journal-World*, July 13, 1960.

48. *Ibid.*

Charles C. Spencer Sr., who lived outside Lawrence, also defended Nottberg. He claimed that the LLPD was “interfer[ing] with the right of a private property owner to operate her business and make a living.” Spencer accepted the “very sensible and logical” explanation Nottberg offered for not integrating

While this property rights defense suggests the complexity of the issues involved in the protest, the claim that “outsiders” were responsible for creating the problem speaks to a “town-gown” split in Lawrence. Norma McCanles also questioned the motivation and leadership of the picket. In an obvious refer-



the pool and questioned if “taking over, or integrating” the Jayhawk Plunge was “a necessary public need?” Spencer concluded: “There is no law, Constitutional, Federal, state or municipal that can compel an individual or group of individuals to have to associate with another group against their will. In other words, in this grand country of ours, an individual still has the inalienable right to pick or select his own friends and associates.” In another letter Spencer reiterated that the “picketing of a private business, where no labor trouble is present, is nothing more or less than downright intimidation! It is un-American. It makes no difference whether the picketers were white or colored,” as long as their prevailing attitude was “We swim or you don’t!”⁴⁹

49. Charles C. Spencer Sr. to editor, *ibid.*, July 14, 1960; Spencer to editor, *ibid.*, July 19, 1960.

ence to Shaffer and the other LLPD leaders, she asked, “Just who is behind it? Is it the Negroes or certain men who are after personal recognition. . . . It appears that they [the pickets] are being pushed and agitated by those who have no interest other than the notoriety.” She also wondered why KU students, to whom “a pool [is] open . . . free of charge,” were picketing. “Why should the city be influenced by the actions of students,” she asked, “who have no say in the management of the city?” She expressed concern not just for Lawrence but for the entire nation. “The country will be in poor shape if we depend on these morally delinquent people to lead the world. Why don’t these professors clean up their own stew pot of problems before they tackle other things?” She concluded that “Freedom and rights of a group, any group, are one thing, but should these infringe upon

the freedom and right of another group?"⁵⁰ "Outsiders" from the university, especially transitory students, had no real stake in the Lawrence community, many townspeople believed. Nottberg's supporters, however, never acknowledged that she too was an outsider (she lived in Kansas City, Missouri).

With picketing by both sides leading to fears of violence, the Lawrence Police Department stationed a police officer at the pool. Mrs. Avon Roberts thanked Lawrence police for protecting "club members and guests" during the picket. She also considered "those people parading in that area a menace to drivers as some of them seem to feel that they are to be 'watched out for.'" Clarence R. MacFarland, writing for the "Picket Line Members," also thanked and complimented the department for its "prompt" action and "interest" in maintaining the peace.⁵¹ Abels was critical of the decision and claimed that the police were there solely to protect the protesters. Lawrence chief of police John Hazlett defended his decision, asserting that the officer was there "to prevent any trouble that could arise on either side." "I hope that what goes on at the pool can go on peaceably," Hazlett remarked. "I also hope that trouble does not develop from picketing, however, if it does, certainly we'll do everything in our power to stop it."⁵²

The threat of violence, though, was real. MacFarland claimed that frequent "vituperations" came from whites standing across the street from the demonstration. Several times cars had "buzzed" the picket, and on another occasion three whites tried to start a fight with a white member and "nearly hurt" a woman picketer.

50. Norma McCanles to editor, *Lawrence Daily Journal-World*, July 13, 1960. McCanles later was selected to the incorporating board of directors and served as secretary-treasurer of the new Olympic Swim Club, the renamed Jayhawk Plunge, after two Kansas City businessmen had purchased it from Nottberg. The Olympic's other board of directors are named in "Director Board For Local Pool," *ibid.*, July 20, 1960.

51. Mrs. Avon Roberts to editor, *ibid.*, July 7, 1960; Clarence R. MacFarland to editor, *ibid.*

52. "Ed Abels' Column," *Lawrence Outlook*, July 7, 1960; "Chief Says Police Not Taking Sides," *Lawrence Daily Journal-World*, July 11, 1960; *Call*, July 15, 1960.

The picket was again "buzzed" after this incident.⁵³ On July 11 eleven carp were dumped into the pool, while a similar number were left on the Shaffer's doorstep. An effigy of Shaffer, impaled with sticks and carrying a sign that read "You will never swim again" was left in his yard. Shaffer also received threatening phone calls warning him to leave town.⁵⁴ No one claimed responsibility for the carp prank or the death threat.

These incidents marked the end of the protest. Despite the city's commitment to compel the Plunge to integrate, its efforts proved too slow. On July 12 Nottberg announced that she had "taken a terrible financial beating" and would close the pool, vowing not to reopen it. "Bad weather" had cut into profits and "this picketing took care of the rest," Nottberg said, adding that she could not "blame parents for not sending their children to the pool where there might be trouble." Nottberg condemned the picketing as unjust because one group had moved in and "ruin[ed] a private concern." Further, the protest was "unfair" because the "picket line was not a city group . . . [i]t was all University." Exasperated, Nottberg concluded that this was "the end of my problems in Lawrence. I'm not going to continue taking it."⁵⁵

In Nottberg's financial woes the LLLPD saw an opportunity and asked the city to purchase or lease the pool and operate it as a municipal facility, which is also what Nottberg wanted. The city refused, however, claiming that such action would be "illegal" because no money was in the city budget to buy the pool. Moreover, the commissioners preferred to put the question to a citywide referendum. "If there is to be a financial loss there as the result of a citizens [*sic*] group," Nottberg said, "then it should be a municipal loss." *Outlook* publisher Ed Abels sided with the pool owner. There were "no friendly, sympathetic or help-

53. Clarence R. MacFarland to editor, *Lawrence Daily Journal-World*, July 7, 1960.

54. "Carp Are Dumped Into Plunge," *ibid.*, July 12, 1960; Shaffer interview.

55. "Friday Last Day For Local Plunge," *Lawrence Daily Journal-World*, July 12, 1960.

ful faces in the picket line," Abels wrote, "only bearded men, colored men who are strangers and others who appear to be foreigners. Practically none of our good Lawrence citizens [were] . . . implicated in this affair." Abels growled that neither the LLPD nor any of the protesters had "made any attempt to buy" the Plunge.⁵⁶

Nottberg ended the possibility of a city purchase when she leased the pool to Kansas City businessmen Mack O'Banion and Richard L. Harris, who renamed it the Olympic Swim Club. O'Banion and Harris, who also owned the Wyandot Swim Club in Kansas City, Kansas, said that they would operate the pool as a nonprofit private club, with a board of directors to set all policies and rules. Because the club was incorporated solely for the enjoyment of its members and not for profit, it could skirt the provisions of the public accommodations law. Nonmembers could swim as guests, but only if accompanied by a member—this rule would be "strictly enforced." "It's strictly a matter of what the members want," O'Banion replied when asked the pool's policy on integration. The "social, educational and economic levels of members would determine integration policies" and, he added, members could "swim with anyone they chose, regardless of race or creed." Never was any mention made of a vote by members to integrate the club. O'Banion and Harris promptly named an all-white board of directors, sold charter memberships (again, only to whites), and had the former Jayhawk Plunge operating again within a week. Had Nottberg operated the pool strictly on this basis, the LLPD would have had no recourse except to appeal to her conscience to drop the color ban. A month after the picket, the city commission passed an ordinance that provided "health safeguards" and a licensing requirement for pools charging an admission. The *Call* reported that the LLPD would "have to prove that the former Jayhawk Plunge is a public rather than a private opera-

56. "Pool Ordinance Has a Reading At Commission," *ibid.*, July 13, 1960; "Swimming Pool Will Be Closed This Afternoon," *ibid.*, July 15, 1960; "Swimming Pool is Closed and For Sale," *Lawrence Outlook*, July 14, 1960; "Comments on Local Affairs," *ibid.*, July 14, 1960.

tion in order for the new ordinance to apply."⁵⁷ The LLPD admitted as long as the pool's owners ran it solely as a private club, there was little it could do to force integration. It promised to monitor the club's guest policy.

The LLPD-inspired picket clearly had failed. The protest had not forced integration of the pool but had only compelled a private club to operate as such. Meanwhile, the picket upstaged the injunction strategy and polarized public opinion, while the city bureaucracy moved slowly to exercise its licensing power to force the Plunge to integrate. A possible solution to the problem—a city purchase or lease of the pool—had received little consideration. Nottberg acknowledged that she preferred to sell than to lease the pool and was willing to sell it to the city at book value, a price that would have been less than constructing a new pool. While budgetary concerns may have prevented the city from leasing or purchasing the pool in July, any interest by the city might have induced Nottberg to wait until the legal obstacles had been hurdled. Despite the lower costs, and given the history of pool bond elections, it is doubtful that a citywide referendum would have passed. As in 1956, the "racial issue," however it was defined, was still present.

"The pool is not integrated; it is closed," wrote Ed Abels, "The colored boys and girls cannot swim, but neither can the white boys and girls." One week later, of course, this was no longer true. White children could swim there by purchasing a membership to the new club. It is not clear if any blacks tried to join the club. None, however, ever were accepted as members.⁵⁸ Instead of placing responsibility for the pool's

57. "Plunge in City May Be Opened With New Plan," *Lawrence Daily Journal-World*, July 18, 1960; "Lawrence Pool Leased by Two Kansas Citizens," *ibid.*, July 18, 1960; *Call*, July 29, August 5, 1960.

58. No evidence has been found to suggest that the LLPD or other civil rights activists monitored the Olympic Swim Club's membership policies or if any blacks even attempted to join the club. In 1964 two white members of the local CORE chapter unsuccessfully tried to bring a black guest to the Dune's Club, another private swim club. Rather than allow blacks to swim, the club closed its doors. See Monhollon, "'Away From the Dream,'" 102–4.

closing on Bertha Nottberg's racism or the tacit approval of a large portion of the white community or the foot dragging of the Lawrence City Commission, Abels offered another explanation: the fear of racial violence. Abels's fear was not unfounded, for in the wake of the lunch counter sit-ins in early 1960, outbursts of violence against civil rights activists were common throughout the South and alarmed many in the North. The instigators of this violence, however, were not protesters but angry whites. "Pool patronage stopped because of a fear of violence that usually develops at picket lines," Abels wrote, clearly blaming the protesters for creating that fear. Although the threat of violence, at least to many opponents of the protest, appeared very real, actual violence never was likely. Lawrence police officers always were at the scene, as were advisors from the LLPD. Moreover, the picket was deeply committed to nonviolence.

More significantly, Abels and others defended racial exclusion by arguing for the rights of the owners of private property to refuse service to whomever they chose. The picket at the Jayhawk Plunge drove "a desirable business out of town and caused 21 persons to lose their jobs," argued Abels, and this "points up the need for legislation that will stop such foolishness. Settling disputes with guns was outlawed many years ago." Abels continued: "When picketing is used as unfairly as in the local case, where it has caused a financial loss not only to the business but to the employees, the use of pickets cannot be justified in any way." He concluded by assessing the state of race relations in Lawrence. "This community has advanced far since the days when Negroes were hanged from the Kansas river bridge."⁵⁹

Abels's comments suggest that a major obstacle confronting civil rights activists in their struggle to achieve racial equality in Lawrence was an apathetic, even hostile, white community that placed property rights above equal opportunity and sought to main-

tain existing racial boundaries in Lawrence. Opponents of integration later in the decade voiced similar sentiments against civil rights legislation and the further extension of the activist, liberal state. This opposition was perhaps best expressed by Justin Hill, president of Lawrence Paper Company and an active civic leader, who remarked on a 1965 sit-in at the University of Kansas. Blacks, he wrote, were "demanding housing in suburbs developed by whites, jobs in companies developed by whites, the right to eat in restaurants and go to stores owned and developed by whites." Moreover, Hill believed that "white people must earn the right to these things, it is not given to them. The coloreds should earn the right to these things."⁶⁰ By opposing integration based on the right of an individual to do with his or her property what they wanted, and by avoiding overt appeals to white supremacy, Bertha Nottberg, Ed Abels, Justin Hill, and other white Lawrencians nonetheless defended a segregated society by reaffirming their whiteness. They argued that the rights of individuals, as property owners, superseded the rights of blacks, as a group, asking for equal opportunity (although, ironically, they did so based on a group identification). They did not close the door to racial equality someday but made clear it would be opened wide only when blacks somehow "prove" themselves worthy. It was ambiguous, however, how or when blacks could accomplish this. It was clear that whites would decide when that point had been reached. Confronted with strong grass-roots opposition, the limits of liberal reform were painfully exposed.

59. "Swimming Pool is Closed and For Sale"; "Ed Abels Column," *Lawrence Outlook*, July 14, 1960; see also clipping, Swimming Pool file, LLPD Papers.

60. Justin D. Hill to W. Clarke Wescoe, March 10, 1965, Hate folder, box 9, Chancellor's Office, Executive Secretary, Case Files, 1959-65, University of Kansas Archives. This property rights defense would be used frequently later in the decade as Kansans opposed civil rights legislation. See constituent correspondence to Kansas senator James B. Pearson, James B. Pearson Papers, Kansas Collection, University of Kansas Libraries, Lawrence; constituent correspondence to Kansas congressman Robert F. Ellsworth, Robert F. Ellsworth Papers, Library and Archives Division, Kansas State Historical Society. Other examples are found in CORE flyer, Other Kansas Civil Rights Organizations file, box 6, LLPD Papers; "Civil Rights Group Pickets Apartments," *University Daily Kansan*, April 29, 1965.

The struggle to end racial segregation in the United States was waged on many fronts. Freedom workers frequently targeted recreational facilities, especially swimming pools, that denied access to African Americans. Swimming pools were symbolic for both sides. For segregationists, in-

dren such as Wray Jones drowned while swimming in local rivers, creeks, or ponds, the only places they were allowed. Jones's death illustrated the human costs of racial exclusion.⁶¹

Ultimately the Jayhawk Plunge was not integrated. The question of whether a different approach—



Both demonstrators and opponents of the picket feared the outbreak of violence, and the Lawrence Police Department was constantly present at the Plunge during the picketing.

egrated pools exacerbated their fears of close, interracial contact. Established in part to avoid public accommodation laws, private swim clubs like the Plunge also signified to segregationists the right of free association. On the other hand, civil rights activists argued that segregated, publicly supported or licensed pools implicated local governments for at least tacitly accepting, if not outright promoting, segregation. Additionally, black citizens' taxes provided financial support for recreational facilities they were unable to use. Finally, black youths were denied the chance to take swimming lessons and the opportunity to swim in safe, guarded pools. Many black chil-

61. The Greensboro sit-ins of 1960, for example, were preceded by efforts to integrate the white-only pool in Lindley Park. According to William H. Chafe, although this "bold action frightened some blacks and offended many whites, it had the effect of forcing people to think through their own positions and choose sides." See Chafe, *Civilities and Civil Rights*, 110. Other U.S. cities had similar experiences. See, for example, Howard Shorr, "Thorns in the Roses: Race Relations and the Brookside Plunge Controversy in Pasadena, California, 1914–1947," private collection of Rusty L. Monhollon, Topeka; Matthew Countryman, "From Civil Rights Liberalism to Black Power Organizing in Philadelphia" (paper presented at the Civil Rights Movement: Local Perspectives workshop, University of Houston, March 20–23, 1997); Pamela Smoot, "Taking It to the Streets: Black Civil Rights Struggles in Pittsburgh, Pennsylvania, 1937–1967," *ibid.*; Patricia L. Adams, "Continuing the Fight for Democracy: Civil Rights in St. Louis, 1945–1950" (paper presented at the Eighty-ninth Annual Meeting of the Organization of American Historians, 1996, Chicago); William C. Boone, "Springlake Park: An Oklahoma City Playground Remembered," *Chronicles of Oklahoma* 69 (1991): 4–25; Enrique M. López, "Community Resistance to Injustice and Inequality: Ontario, California, 1937–1947," *Aztlán* 17 (1986): 1–29; James Forman, *The Making of Black*

such as the legal injunction that Jesse Milan and the NAACP wanted—would have been successful is moot. Other private swim clubs continued to operate in Lawrence during the 1960s, all of which denied admission to African Americans and which civil rights organizations tried unsuccessfully to integrate. Civil

Lawrence, but it was a brief dive into a deep pool. In its twenty-year existence the LLPD had made incremental progress toward racial equality in Lawrence. But the group never again mounted another direct action campaign to integrate public facilities, working instead to gain fair housing and employment oppor-

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On July 12 Bertha Nottberg announced that she had "taken a terrible financial beating" and would close the pool. This advertisement appeared in the July 12, 1960, Lawrence Daily Journal-World.

rights activists, joined by civic organizations, continued to advocate the construction of a municipal swimming facility, but it was not until 1967 that Lawrence voters agreed to fund such a pool and 1969 before that pool was opened.

The LLPD had taken the plunge in 1960 and used direct action to integrate recreational facilities in

tunities for blacks in Lawrence. Even that effort was short lived and had ambiguous results. In 1965 the LLPD disbanded, citing the preponderance and overlap of civil rights organizations in Lawrence. Like many white liberals, several members of the LLPD, including Harry Shaffer, directed their activism toward opposing the Vietnam War, although they never lost their commitment to social equality.⁶²

Revolutionaries, rev. ed. (Seattle: Open Hand Publishing, 1985), 178–86; Darryl Paulson, "Stay Out, the Water's Fine: Desegregating Municipal Swimming Facilities in St. Petersburg, Florida," *Tampa Bay History* 4 (1982): 6–19; Alan Shultz, "Silver Beach: A Scrapbook of Summers Past," *Michigan History* 63 (1979): 8–19.

62. Shaffer interview.

The picket at the Jayhawk Plunge was significant for several reasons. It initiated a decade of increased racial tensions in Lawrence that culminated in 1970 with two deaths, countless arsons, thousands of dollars in property damage, and a polarized community teetering on the brink of a race riot.⁶³ It revealed the fissures of an impending split over tactics and strategy within the movement itself and presaged the demise of liberal, interracial approaches to combating racial discrimination.

Part of the failure to integrate the Plunge can be attributed to a lack of concerted, united effort by civil rights organizations and activists. The picket, inspired by the white-led, liberal, university-based leadership of the LLPD, was opposed by part of its own membership and by many African Americans, including Jesse Milan of the predominantly black, church-based Lawrence–Douglas County NAACP. For decades African Americans in Lawrence had relied on the good faith of legislation, white city offi-

cial, and white civil rights workers, but with only marginal improvements in their social condition. Grass-roots civil rights activism continued in Lawrence after 1960, but it did so increasingly on an agenda set by African Americans, especially the young. Eventually, many African Americans in Lawrence embraced Black Power and began to shape the discussion about race relations on their own terms.

The effort to take the Plunge also testified to the potent forces impeding racial equality in Lawrence and the limits of liberalism in challenging those forces. White racism was one such force. But many Lawrencians defended segregation through their opposition to the activist, liberal state and a steadfast belief in the rights of individuals to use their property however they wanted. These defenses were perhaps more potent. By framing their opposition not around the nexus of white superiority/black inferiority, but around their appeals to the Constitution and mainstream American conservatism, these Lawrencians wielded a powerful means of resisting integration, maintaining existing racial boundaries, and challenging the post-World War II liberal consensus. 

63. See Monhollon, ““Away From the Dream.””